

### REMARKS

In the Office Action mailed March 29, 2004, the Examiner (1) objected to claims 18, 19, and 21 because of informalities; (2) allowed claims 1-4, 7-12, 14-19, 21, and 24; and (3) rejected claims 25-32 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,930,827 to Sturges et al. ("Sturges").

### Information Disclosure Statements

Applicants thank the Examiner for considering the Information Disclosure Statements (IDSs) filed in this application. Applicants have not, however, received an initialed form PTO-1449 from the IDS filed September 23, 2003. Applicants attach a copy of this IDS (with form PTO-1449) with a copy of the stamped post card indicating receipt in the PTO. Applicants respectfully request that the Examiner consider the references listed on this form PTO-1449 and indicate so by initialing the form. Should the Examiner require additional copies of any references, the Examiner is encouraged to contact the undersigned.

### Status and Allowance of Claims

Applicants thank the Examiner for indicating claims 1-4, 7-12, 14-19, 21, and 24 are allowable. Claims 1-4, 7-12, 14-19, 21, 24-32 are presented for consideration. In this Amendment, Applicants amend claims 18, 19, and 21. Claims 5, 13, 20, 22, 23 have been canceled and claim 6 is withdrawn from consideration.

### Objection to Claims

Applicants amend claims 18, 19, and 21 as the Examiner requested to overcome the objection based on informalities.

### Rejection under § 102(e)

The Examiner fails to establish that Sturges anticipates claims 25-32. The Examiner refers to elements 52a through 52e in Sturges as "linked-lists." See Office Action at 4. Elements 52a through 52e, however, are not "linked-lists." Instead,

Sturges defines elements 52a through 52e as "memory block headers." See col. 5, lines 66-67. Memory block headers 52a through 52e form a "Cartesian binary tree" structure. See col. 5, lines 26-27, Fig. 4, and Figs. 7a-7c. As one of ordinary skill in the art understands, however, a binary tree is not a "linked-list." For example, in FIG. 2 of the present invention, linked-lists are shown as elements 262-272 and they have a different structure than fast access tree 204 and general access tree 202.

Nothing in Sturges (including Fig. 4 through Fig. 7c and the accompanying description) discloses a "linked-list." For example, field 54a of header 52a in Sturges is merely a free memory block address. See col. 6, line 1. Further, field 60a of header 52a in Sturges merely indicates the free memory block size. See col. 6, line 5. Applicants respectfully disagree that elements 52a through 52e are "linked-lists."

Further, the Examiner points to the same elements in Fig. 7a in Sturges that allegedly corresponds to linked-lists and trees. See Office Action at 4 (citing element 52e in Sturges as both a linked-list and a general access tree). But claim 25 claims a plurality of linked-lists and a general access tree as separate and distinct elements. For example, claim 25 recites among other things: "setting a general access tree to refer to a second one and a third one of the linked-lists." The reading of claim 25 onto Sturges as the Examiner alleges, therefore, cannot stand.

Thus, the Examiner has not shown where Sturges discloses forming a plurality of linked-lists with associated references to memory blocks, for example, as required by claim 25. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 25 under § 102(e).

Although claim 29 is of different scope than claim 25, it does contain some similar recitations. For example, claim 29 recites "a plurality of linked-lists with associated references to memory blocks of a plurality of sizes." Similar to as described above with respect to claim 25, the Examiner has failed to establish that Sturges anticipates claim 29. The Examiner has not demonstrated where Sturges discloses linked-lists with associated references to memory blocks of a plurality of sizes. Thus,

Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 29 under § 102(e).

Claims 26-28 and 30-32 depend on claims 25 and 29 respectively and include all the features of their respective base claims. Thus, the Examiner has failed to establish that Sturges anticipates claims 26-28 and 30-32 as well. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 26-28 and 30-32 under § 102(e).

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 28, 2004

By:

  
Kenneth M. Lesch  
Reg. No. 44,868

Attachments: Copy of Information Disclosure Statement filed August 8, 2003, and copy of stamped postcard.